

House Bill 1321 (AS PASSED HOUSE AND SENATE)

By: Representatives Burkhalter of the 50th, Rice of the 51st, Willard of the 49th, and Jones of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To incorporate the City of Johns Creek in Fulton County, Georgia; to provide a charter for
2 the City of Johns Creek; to provide for incorporation, boundaries, and powers of the city; to
3 provide for a governing authority of such city and the powers, duties, authority, election,
4 terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal
5 from office relative to members of such governing authority; to provide for inquiries and
6 investigations; to provide for organization and procedures; to provide for ordinances and
7 codes; to provide for the offices of mayor and city manager and certain duties and powers
8 relative to those offices; to provide for administrative responsibilities; to provide for boards,
9 commissions, and authorities; to provide for a city attorney, a city clerk, a city tax collector,
10 a city accountant, and other personnel; to provide for rules and regulations; to provide for a
11 municipal court and the judge or judges thereof; to provide for practices and procedures; to
12 provide for taxation and fees; to provide for franchises, service charges, and assessments; to
13 provide for bonded and other indebtedness; to provide for accounting and budgeting; to
14 provide for purchases; to provide for the sale of property; to provide for bonds for officials;
15 to provide for eminent domain; to provide for penalties; to provide for definitions and
16 construction; to provide for other matters relative to the foregoing; to provide for a
17 referendum; to provide effective dates; to provide for transition of powers and duties; to
18 provide for directory nature of dates; to provide for a charter commission; to provide for
19 severability; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **ARTICLE I**

22 **INCORPORATION AND POWERS**

23 **SECTION 1.10.**

24 **Incorporation.**

1 The City of Johns Creek in Fulton County is incorporated by the enactment of this charter
2 and is constituted and declared a body politic and corporate under the name of the "City of
3 Johns Creek." References in this charter to "the city" or "this city" refer to the City of Johns
4 Creek. The city shall have perpetual existence.

5 **SECTION 1.11.**

6 Corporate boundaries.

7 (a) The incorporated area of this city shall include all of that portion of Fulton County as set
8 forth and described in Appendix A of this charter, which appendix is incorporated herein by
9 reference, subject to ratification by the voters at a referendum as provided in Section 7.14 of
10 this Act.

11 (b) The incorporated area of this city may also include all of that portion of Fulton County
12 as set forth and described in Appendix B of this charter, which appendix is incorporated
13 herein by reference, subject to ratification by the voters at a referendum as provided in
14 Section 7.14 of this Act.

15 (c) After the original incorporation of this city, the boundaries of this city shall be subject
16 to such alterations as may be made thereafter from time to time by local law or in the manner
17 provided by general state law. As used in this charter, the term "territory" means the area of
18 the city as described in this section. The boundaries of this city at all times shall be shown
19 on a map, a written description, or any combination thereof, to be retained permanently in
20 the office of the city clerk of the city and to be designated, as the case may be: "Official Map
21 or Description of the Corporate Limits of the City of Johns Creek, Georgia." Photographic,
22 typed, or other copies of such map or description certified by the mayor shall be admitted as
23 evidence in all courts and shall have the same force and effect as the original map or
24 description.

25 **SECTION 1.12.**

26 Municipal powers.

27 (a) This city shall have all powers possible for a city to have under the present or future
28 Constitution and laws of this state as fully and completely as though they were specifically
29 enumerated in this charter. This city shall have all the powers of self-government not
30 otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. Said powers shall include, but are not limited to, the following:

(1) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;

(2) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this paragraph;

(3) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of this city;

(4) Building regulations. To regulate and to license the erection and construction of buildings and all other structures not inconsistent with general law; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades except as otherwise prohibited by general law;

(5) Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;

(6) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other laws as are or may hereafter be enacted;

(7) Contracts. To enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;

(8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(9) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the

1 control of erosion and sedimentation, the management of storm water and establishment
2 of a storm-water utility, the management of solid and hazardous waste, and other
3 necessary actions for the protection of the environment;

4 (10) Ethics. To adopt ethics ordinances and regulations governing the conduct of
5 municipal elected officials, appointed officials, and employees, establishing procedures
6 for handling ethics complaints, and setting forth penalties for violations of such rules and
7 procedures;

8 (11) Fire regulations. To fix and establish fire limits and from time to time extend,
9 enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with
10 general law relating to both fire prevention and detection and to fire fighting; and to
11 prescribe penalties and punishment for violations thereof;

12 (12) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
13 and disposal and other sanitary service charge, tax, or fee for such services as may be
14 necessary in the operation of the city from all individuals, firms, and corporations
15 residing in or doing business within the city and benefiting from such services; to enforce
16 the payment of such charges, taxes, or fees; and to provide for the manner and method
17 of collecting such service charges;

18 (13) General health, safety, and welfare. To define, regulate, and prohibit any act,
19 practice, conduct, or use of property which is detrimental to the health, sanitation,
20 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
21 enforcement of such standards;

22 (14) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
23 any purpose related to the powers and duties of the city and the general welfare of its
24 citizens on such terms and conditions as the donor or grantor may impose;

25 (15) Health and sanitation. To prescribe standards of health and sanitation within the
26 city and to provide for the enforcement of such standards;

27 (16) Homestead exemption. To establish and maintain procedures for offering
28 homestead exemptions to residents of the city as authorized by Act of the General
29 Assembly;

30 (17) Jail sentences. To provide that persons given jail sentences in the municipal court
31 may work out such sentences in any public works or on the streets, roads, drains, and
32 squares in the city; to provide for the commitment of such persons to any jail; or to
33 provide for the commitment of such persons to any county work camp or county jail by
34 agreement with the appropriate county officials;

1 (18) Motor vehicles. To regulate the operation of motor vehicles and exercise control
2 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways
3 of the city;

4 (19) Municipal agencies and delegation of power. To create, alter, or abolish
5 departments, boards, offices, commissions, and agencies of the city and to confer upon
6 such agencies the necessary and appropriate authority for carrying out all the powers
7 conferred upon or delegated to the same;

8 (20) Municipal debts. To appropriate and borrow money for the payment of debts of the
9 city and to issue bonds for the purpose of raising revenue to carry out any project,
10 program, or venture authorized by this charter or the laws of the State of Georgia;

11 (21) Municipal property ownership. To acquire, dispose of, and hold in trust or
12 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
13 outside the property limits of the city;

14 (22) Municipal property protection. To provide for the preservation and protection of
15 property and equipment of the city and the administration and use of same by the public;
16 and to prescribe penalties and punishment for violations thereof;

17 (23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
18 of public utilities, including, but not limited to, a system of waterworks, sewers, and
19 drains, sewage disposal, gas works, electric plants, transportation facilities, public
20 airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees,
21 assessments, regulations, and penalties therefor; and to provide for the withdrawal of
22 service for refusal or failure to pay the same; and to authorize the extension of water,
23 sewerage, and electrical distribution systems, and all necessary appurtenances by which
24 said utilities are distributed, inside and outside the corporate limits of the city; and to
25 provide utility services to persons, firms, and corporations inside and outside the
26 corporate limits of the city as provided by ordinance;

27 (24) Nuisances. To define a nuisance and provide for its abatement whether on public
28 or private property;

29 (25) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
30 the authority of this charter and the laws of the State of Georgia;

31 (26) Planning and zoning. To provide comprehensive city planning for development by
32 zoning and to provide subdivision regulation and the like as the city council deems
33 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

34 (27) Police and fire protection. To exercise the power of arrest through duly appointed
35 police officers and to establish, operate, or contract for a police and a fire-fighting
36 agency;

1 (28) Public hazards; removal. To provide for the destruction and removal of any
2 building or other structure which is or may become dangerous or detrimental to the
3 public;

4 (29) Public improvements. To provide for the acquisition, construction, building,
5 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,
6 cemeteries, markets and market houses, public buildings, libraries, public housing,
7 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
8 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
9 institutions, agencies, and facilities; to provide any other public improvements inside or
10 outside the corporate limits of the city; to regulate the use of public improvements; and,
11 for such purposes, property may be acquired by condemnation under Title 22 of the
12 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

13 (30) Public peace. To provide for the prevention and punishment of drunkenness, riots,
14 and public disturbances;

15 (31) Public transportation. To organize and operate or contract for such public
16 transportation systems as are deemed beneficial;

17 (32) Public utilities and services. To grant franchises or make contracts for public
18 utilities and public services and to prescribe the rates, fares, regulations, and the standards
19 and conditions of service applicable to the service to be provided by the franchise grantee
20 or contractor, insofar as not in conflict with valid regulations of the Public Service
21 Commission;

22 (33) Regulation of roadside areas. To prohibit or regulate and control the erection,
23 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
24 and all other structures or obstructions upon or adjacent to the rights of way of streets and
25 roads or within view thereof, inside or abutting the corporate limits of the city and to
26 prescribe penalties and punishment for violation of such ordinances;

27 (34) Retirement. To provide and maintain a retirement plan for officers and employees
28 of the city;

29 (35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
30 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
31 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
32 walkways within the corporate limits of the city; and to negotiate and execute leases over,
33 through, under, or across any city property or the right of way of any street, road, alley,
34 and walkway or portion thereof within the corporate limits of the city for bridges,
35 passageways, or any other purpose or use between buildings on opposite sides of the
36 street and for other bridges, overpasses, and underpasses for private use at such location

1 and to charge a rental therefor in such manner as may be provided by ordinance; and to
2 authorize and control the construction of bridges, overpasses, and underpasses within the
3 corporate limits of the city; and to grant franchises and rights of way throughout the
4 streets and roads and over the bridges and viaducts for the use of public utilities and for
5 private use;

6 (36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
7 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
8 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
9 paper, and other recyclable materials and provide for the sale of such items;

10 (37) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
11 the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms;
12 to regulate the transportation, storage, and use of combustible, explosive, and
13 inflammable materials, the use of lighting and heating equipment, and any other business
14 or situation which may be dangerous to persons or property; to regulate and control the
15 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
16 of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional
17 fortunetelling, palmistry, adult bookstores, adult entertainment, and massage parlors;

18 (38) Special assessments. To levy and provide for the collection of special assessments
19 to cover the costs of any public improvement;

20 (39) Taxes (ad valorem). To levy and provide for the assessment, valuation, revaluation,
21 and collection of taxes on all property subject to taxation; provided, however, that:

22 (A) For all years, the millage rate imposed for ad valorem taxes on real property shall
23 not exceed 4.731 unless a higher limit is recommended by resolution of the city council
24 and approved by a majority of the qualified voters of the city; provided, however, that
25 for the purposes of compliance with Code Section 48-8-91 of the O.C.G.A., the millage
26 rate may be adjusted upward for the sole purpose of complying with the millage rate
27 rollback provisions set forth therein;

28 (B) For all years, the fair market value of all property subject to taxation shall be
29 determined according to the tax digest of Fulton County, as provided in Code Section
30 48-5-352 of the O.C.G.A.; and

31 (C) For all years, the billing date or dates and due date or dates for municipal ad
32 valorem taxes shall be the same as for Fulton County ad valorem taxes;

33 (40) Taxes (other). To levy and collect such other taxes as may be allowed now or in the
34 future by law;

35 (41) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
36 number of such vehicles; to require the operators thereof to be licensed; to require public

1 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
2 regulate the parking of such vehicles;

3 (42) Urban redevelopment. To organize and operate an urban redevelopment program;
4 and

5 (43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
6 and immunities necessary or desirable to promote or protect the safety, health, peace,
7 security, good order, comfort, convenience, or general welfare of the city and its
8 inhabitants; to exercise all implied powers necessary to carry into execution all powers
9 granted in this charter as fully and completely as if such powers were fully stated in this
10 charter; and to exercise all powers now or in the future authorized to be exercised by
11 other municipal governments under other laws of the State of Georgia; and no listing of
12 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
13 general words and phrases granting powers, but shall be held to be in addition to such
14 powers unless expressly prohibited to municipalities under the Constitution or applicable
15 laws of the State of Georgia.

16 **SECTION 1.13.**

17 Exercise of powers.

18 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
19 employees shall be carried into execution as provided by this charter. If this charter makes
20 no provision, such shall be carried into execution as provided by ordinance or as provided
21 by pertinent laws of the State of Georgia.

22 **ARTICLE II**

23 **GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

24 **SECTION 2.10.**

25 City council creation; composition; number; election.

26 (a) The legislative authority of the government of this city, except as otherwise specifically
27 provided in this charter, shall be vested in a city council to be composed of a mayor and six
28 councilmembers who shall be elected to Posts 1 through 6. Each person desiring to offer as
29 a candidate for councilmember shall designate the council post for which he or she is
30 offering.

31 (b) The mayor and councilmembers shall serve for terms of four years and until their
32 respective successors are elected and qualified, except as otherwise provided in subsection

(d) of Section 2.11 of this charter. No person shall be eligible to serve as mayor or councilmember unless that person is at least 21 years of age and shall have been a resident of the territory for 12 months immediately preceding his or her election; and each such person shall continue to reside within the city during said period of service and shall be registered and qualified to vote in municipal elections of this city. No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person shall file a written notice with the clerk of said city that such person desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember and in the case of a candidate for councilmember designates the post for which he or she is a candidate. No person shall be eligible for the office of mayor or councilmember unless such person shall file said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 2.11.

Elections.

(a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of the territory or of said city shall be eligible to qualify as voters in the election.

(b) All primaries and elections, including without limitation the special election of 2006 to elect the first mayor and council, shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code."

(c) All elections for the mayor and all councilmembers shall be at-large by the voters of the entire city.

(d) The first election for mayor and councilmembers shall be a special election held in 2006 on the date specified in subsection (e) of this section. At said election, the mayor and councilmembers elected to Council Posts 1, 3, and 5 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2009. The councilmembers elected to Council Posts 2, 4, and 6 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2007. Thereafter, at the elections provided for by subsection (e) of this section, their successors shall be elected for terms of four years. All members shall serve until their successors are elected and qualified.

(e) A special election shall be held on the Tuesday after the first Monday in November, 2006, to elect the first mayor and council as provided in subsection (d) of this section. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in said subsection (d) of this section. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2007. The successors to the first mayor and councilmembers and future successors shall be elected at the municipal election immediately preceding the expiration of the respective terms of office and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.

(f) All municipal elections shall be nonpartisan and without primaries.

SECTION 2.12.

Vacancies in office.

(a)(1) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia.

(2) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled as provided in subsection (b) of this section.

(b) In the event that the office of mayor or councilmember shall become vacant, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within six months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 2.13.

Election by majority vote.

The candidate receiving a majority of the votes cast for any city office shall be elected.

SECTION 2.14.

Compensation and expenses.

The annual salary of the mayor shall be \$25,000.00 and the annual salary for each councilmember shall be \$15,000.00. Such salary shall be paid from municipal funds in monthly installments. The city council may provide by ordinance for the provision of insurance, retirement, workers' compensation, and other employee benefits to the mayor and members of the city council and may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the mayor and members of the city council in carrying out their official duties.

SECTION 2.15.

Prohibitions.

(a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has a financial interest.

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(e) Except as authorized by law, no member of the council shall hold any other elective city office or other city employment during the term for which elected. The provisions of this subsection shall not apply to any person holding employment on the effective date of this Act.

SECTION 2.16.

Removal of officers.

(a) The mayor, a councilmember, or other appointed officers provided for in this charter shall be removed from office for any one or more of the following causes:

(1) Incompetence, misfeasance, or malfeasance in office;

(2) Conviction of a crime involving moral turpitude;

(3) Failure at any time to possess any qualifications of office as provided by this charter or by law;

(4) Knowingly violating Section 2.15 or any other express prohibition of this charter;

(5) Abandonment of office or neglect to perform the duties thereof; or

(6) Failure for any other cause to perform the duties of office as required by this charter or by state law.

(b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) By the vote of five councilmembers after an investigative hearing. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Fulton County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By an order of the Superior Court of Fulton County following a hearing on a complaint seeking such removal brought by any resident of the City of Johns Creek.

ARTICLE III

ORGANIZATION OF GOVERNMENT, GENERAL

AUTHORITY, AND ORDINANCES

SECTION 3.10.

General power and authority.

Except as otherwise provided by this charter, the city council shall be vested with all the powers of government of this city as provided by Article I of this charter.

SECTION 3.11.

Organization.

(a) The city council shall hold an organizational meeting at the first regular meeting in January following an election. The meeting shall be called to order by the city clerk or the mayor-elect if the office of clerk is vacant. The city clerk or any judge shall administer the oaths required by Chapter 3 of Title 45 of the O.C.G.A. and the following oath:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

(b) By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during

1 any disability or absence of the mayor. Any such disability or absence shall be declared by
2 a majority vote of the city council.

3 **SECTION 3.12.**

4 Inquiries and investigations.

5 The city council may make inquiries and investigations into the affairs of the city and the
6 conduct of any department, office, or agency thereof and for this purpose may subpoena
7 witnesses, administer oaths, take testimony, and require the production of evidence. Any
8 person who fails or refuses to obey a lawful order issued in the exercise of these powers by
9 the council shall be punished as provided by ordinance.

10 **SECTION 3.13.**

11 Meetings.

12 (a) The city council shall hold regular meetings at such times and places as prescribed by
13 ordinance and shall hold at least one regular meeting each month.

14 (b) Special meetings of the city council may be held on call of the mayor or four members
15 of the city council. Notice of such special meeting shall be served on all other members
16 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
17 notice to councilmembers shall not be required if the mayor and all councilmembers are
18 present when the special meeting is called. Such notice of any special meeting may be
19 waived by a councilmember in writing before or after such a meeting and attendance at the
20 meeting shall also constitute a waiver of notice on any business transacted in such
21 councilmember's presence. Only the business stated in the call may be transacted at the
22 special meeting.

23 (c) All meetings of the city council shall be public to the extent required by law and notice
24 to the public of special meetings shall be given as required by law.

25 **SECTION 3.14.**

26 Procedures.

27 (a) The city council shall adopt its rules of procedure and order of business consistent with
28 the provisions of this charter and shall provide for keeping a journal of its proceedings which
29 shall be a public record.

(b) All committees and committee chairpersons and officers of the city council shall be appointed by the mayor.

SECTION 3.15.

Voting.

(a) Except as otherwise provided in subsection (c) of this section, four councilmembers shall constitute a quorum and shall be authorized to transact the business of the city council. For voting and quorum purposes, the mayor shall be counted as one of the councilmembers. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. No councilmember shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. The councilmember shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.

(b) Except as otherwise provided in this charter, the affirmative vote of a majority of the councilmembers present shall be required for the adoption of any ordinance, resolution, or motion.

(c) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 3.16.

Ordinances.

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Johns Creek hereby ordains..." and every ordinance shall so begin.

(b) An ordinance may be introduced by the mayor or any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 3.18 of this charter. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each

councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 3.17.

Effect of ordinances.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 3.18.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or four councilmembers and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of a majority of the councilmembers present shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 3.19.

Codes.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 3.16 of this charter for distribution and filing of copies of the

1 ordinance shall be construed to include copies of any code of technical regulations, as well
2 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
3 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
4 Section 3.20 of this charter.

5 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
6 for distribution or for purchase at a reasonable price.

7 **SECTION 3.20.**

8 Codification of ordinances.

9 (a) The clerk shall authenticate by the clerk's signature and record in full in a properly
10 indexed book kept for that purpose all ordinances adopted by the council.

11 (b) The city shall provide for the preparation of a general codification of all the ordinances
12 of the city having the force and effect of law. The general codification shall be adopted by
13 the city council by ordinance and shall be published promptly together with all amendments
14 thereto and shall contain such codes of technical regulations and other rules and regulations
15 as the city council may specify. This compilation shall be known and cited officially as "The
16 Code of the City of Johns Creek, Georgia." Copies of the code shall be furnished to all
17 officers, departments, and agencies of the city and shall be made available for purchase by
18 the public at a reasonable price as fixed by the city council.

19 (c) The city council shall cause each ordinance and each amendment to this charter to be
20 printed promptly following its adoption, and the printed ordinances and charter amendments
21 shall be made available for purchase by the public at reasonable prices to be fixed by the city
22 council. Following publication of the first code under this charter and at all times thereafter,
23 the ordinances and charter amendments shall be printed in substantially the same style as the
24 code then in effect and shall be suitable in form for incorporation within the code. The city
25 council shall make such further arrangements as deemed desirable with reproduction and
26 distribution of any changes in or additions to codes of technical regulations and other rules
27 and regulations included in the code.

28 **SECTION 3.21.**

29 Submission of ordinances to the mayor.

30 (a) Every ordinance, resolution, and other action adopted by the council shall be presented
31 promptly to the mayor for signature. Except for council approval of appointments to
32 committees, boards, and commissions, the employment of any appointed officer, internal

1 affairs, or matters which must be approved by the voters, the mayor may veto any action
2 adopted by the city council.

3 (b) The veto must be exercised no later than the next regular city council meeting following
4 the meeting at which the action was taken. If an action is disapproved, the mayor shall submit
5 to the council a written statement of the reasons for the mayor's veto.

6 (c) An action vetoed by the mayor shall automatically be on the agenda at the next regular
7 meeting of the city council for reconsideration. If the minimum number of councilmembers
8 necessary to vote on overriding the veto are not present, the action may be continued until
9 the next meeting at which the minimum number of councilmembers are present. Such action
10 shall not become effective unless it is readopted by the affirmative votes of at least five
11 councilmembers within 60 days of the veto and for this purpose the mayor shall vote as a
12 councilmember.

13 (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance
14 or resolution. The approved part or parts of any ordinance or resolution making
15 appropriations shall become law, and the part or parts disapproved or reduced shall not
16 become law unless subsequently passed by the city council over the mayor's veto as provided
17 in this charter.

18 (e) If an ordinance or resolution has been signed by the mayor, it shall become effective. If
19 an ordinance or resolution is neither approved nor disapproved by the next regular meeting
20 of the city council, it shall become effective.

21 **SECTION 3.22.**

22 Powers and duties of the mayor.

23 (a) The mayor shall be the chief executive officer of the city government, a member of and
24 the presiding officer of the city council, and responsible for the efficient and orderly
25 administration of the city's affairs. The mayor shall be responsible for the enforcement of
26 laws, rules, regulations, ordinances, and franchises in the city. The mayor may conduct
27 inquiries and investigations into the conduct of the city's affairs and shall have such powers
28 and duties as specified in this charter or as may be provided by ordinance consistent with this
29 charter.

30 (b) The mayor shall:

31 (1) Preside at all meetings of the city council;

32 (2) Be the head of the city for the purpose of service of process and for ceremonial
33 purposes and be the official spokesperson for the city and the advocate of policy;

(3) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, resolutions, and other instruments executed by the city which by law are required to be in writing;

(4) See that all laws and ordinances of the city are faithfully executed;

(5) Vote on any motion, resolution, ordinance, or other question before the council and vote on any matter before a committee on which he or she serves;

(6) Obtain short term loans in the name of the city when authorized by the city council to do so;

(7) Appoint city council committees and appoint councilmembers to oversee and report on the functions of the various departments of the city;

(8) Require the city manager to meet with him or her at a time and place designated for consultation and advice upon the affairs of the city;

(9) Name qualified residents of the city to boards and commissions with approval of the city council;

(10) Nominate the city attorney, city clerk, city tax collector, and city accountant, subject to ratification by the city council;

(11) Prepare or have prepared an agenda for each meeting of the city council which shall include all business submitted by the mayor, any councilmember, the city manager, and the city attorney; and

(12) Fulfill and perform such other duties as are imposed by this charter and duly adopted ordinances.

(c) The mayor shall in his or her sole discretion appoint an executive aide to the mayor. The executive aide shall serve at the pleasure of the mayor. The executive aide shall receive a salary comparable to that of city department heads, which salary shall be fixed by the mayor. The executive aide shall report directly to the mayor. The duties and responsibilities of the executive aide shall at all times be as set forth by the mayor. The executive aide shall have the authority, upon the specific request of the mayor, to act on behalf of the mayor in the mayor's ceremonial or administrative capacity. The executive aide shall have no authority to act on behalf of the mayor in a legislative or executive capacity.

SECTION 3.23.

City manager; appointment, qualification, and compensation.

The mayor shall appoint for an indefinite term an officer whose title shall be the "city manager" and the city manager shall serve at the pleasure of the mayor. The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her

1 executive and administrative qualifications with special reference to his or her educational
2 background and actual experience in, and knowledge of, the duties of office as hereinafter
3 prescribed.

4 **SECTION 3.24.**

5 City manager; chief administrative officer.

6 The city manager shall be the chief administrative officer of the government of the City of
7 Johns Creek. The city manager must devote all of his or her working time and attention to
8 the affairs of the city and shall be responsible to the mayor and council for the proper and
9 efficient administration of the affairs of the city over which said officer has jurisdiction.

10 **SECTION 3.25.**

11 City manager; powers and duties enumerated.

12 The city manager shall have the power, and it shall be his or her duty to:

13 (1) See that all laws and ordinances are enforced;

14 (2) Appoint and employ all necessary employees of the city, provided that excepted from
15 the power of this appointment are those officers and employees who by this Act are
16 appointed or elected by the mayor or council or departments not under the jurisdiction of
17 the city manager;

18 (3) Remove employees employed by said officer without the consent of the council and
19 without assigning any reason therefore;

20 (4) Exercise supervision and control of all departments and all divisions created in this
21 charter or that may hereafter be created by the council except as otherwise provided in
22 this Act;

23 (5) Attend all meetings of the council with a right to take part in the discussions, but
24 having no vote. The city manager shall be entitled to notice of all special meetings;

25 (6) Recommend to the council, after prior review and approval by the mayor, for
26 adoption such measures as the city manager may deem necessary or expedient;

27 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any
28 public utility franchise are faithfully kept and performed and upon knowledge of any
29 violation thereof to call the same to the attention of the city attorney, whose duty it shall
30 be forthwith to take such steps as are necessary to protect and enforce the same;

31 (8) Make and execute all lawful contracts on behalf of the city as to matters within said
32 officer's jurisdiction to the extent that such contracts are funded in the city's budget,

except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the council;

(9) Act as budget officer to prepare and submit to the council, after review and approval by the mayor, prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;

(10) Keep the council at all times fully advised as to the financial condition and needs of the city;

(11) Make a full written report to the council on the first of each month showing the operations and expenditures of each department of the city government for the preceding month, and a synopsis of such reports shall be published by the clerk of the city;

(12) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan; and

(13) Perform such other duties as may be prescribed by this Act or required by ordinance or resolution of the council.

SECTION 3.26.

Council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction or supervision of the manager solely through the manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 3.27.

Selection of mayor pro tempore.

There shall be a mayor pro tempore elected from among the councilmembers by the city council. The initial mayor pro tempore shall serve for a term expiring December 31, 2007, and successors shall serve for terms of four years. The mayor pro tempore shall continue to vote and otherwise participate as a councilmember. A vacancy in the position of mayor pro tempore resulting from the mayor pro tempore ceasing to serve as a councilmember or from any other cause shall be filled for the remainder of the unexpired term in the same manner as the original election.

SECTION 3.28.

Mayor pro tempore.

During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore of the city council, or in such person's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. A councilmember acting as mayor shall have only one vote. A councilmember acting as mayor shall have veto power in the case of disability of the mayor but not in the case of absence of the mayor. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest.

ARTICLE IV**ADMINISTRATIVE AFFAIRS****SECTION 4.10.**

Department heads.

(a) Except for the offices of city manager and executive aide to the mayor, the council, by ordinance, may establish, abolish, merge, or consolidate nonelective offices, positions of employment, departments, and agencies of the city as they shall deem necessary for the proper administration of the affairs and government of the city. The council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city. The council may also contract with private or governmental parties for the performance of the functions of any such offices, departments, or agencies.

(b) Except as otherwise provided by this charter or by law, the directors of departments and other officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(c) All appointed officers and directors of departments shall receive such compensation as prescribed by the city council.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be

1 responsible for the administration and direction of the affairs and operations of the director's
2 department or agency.

3 (e) The city manager may suspend directors. The director involved may appeal to the city
4 council which, after a hearing, may override the suspension. Any removal of a director shall
5 be by the city council.

6 **SECTION 4.11.**

7 **Boards.**

8 (a) The city council shall create by ordinance such boards, commissions, and authorities to
9 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
10 necessary and shall by ordinance establish the composition, period of existence, duties, and
11 powers thereof.

12 (b) All members of boards, commissions, and authorities of the city shall be appointed by
13 the mayor subject to approval by the city council for such terms of office and in such manner
14 as shall be provided by ordinance, except where other appointing authority, terms of office,
15 or manner of appointment is prescribed by this charter or by law.

16 (c) The city council, by ordinance, may provide for the compensation and reimbursement for
17 actual and necessary expenses of the members of any board, commission, or authority.

18 (d) Except as otherwise provided by charter or by law, no member of any board,
19 commission, or authority shall hold any elective office in the city.

20 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
21 unexpired term in the manner prescribed for the original appointment, except as otherwise
22 provided by this charter or by law.

23 (f) No member of a board, commission, or authority shall assume office until he or she has
24 executed and filed with the clerk of the city an oath obligating himself or herself to perform
25 faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and
26 administered by the mayor.

27 (g) Any member of a board, commission, or authority may be removed from office for cause
28 by a vote of the city council.

29 (h) Except as otherwise provided by this charter or by law, each board, commission, or
30 authority of the city shall elect one of its members as chairperson and one member as
31 vice-chairperson, and may elect as its secretary one of its members or may appoint as
32 secretary an employee of the city. Each board, commission, or authority of the city
33 government may establish such bylaws, rules, and regulations, not inconsistent with this
34 charter, an ordinance of the city, or law, as it deems appropriate and necessary for the

1 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
2 regulations shall be filed with the clerk of the city.

3 **SECTION 4.12.**

4 City attorney.

5 The mayor shall nominate a city attorney subject to ratification by the council who shall be
6 a member of the State Bar of Georgia and shall have actively practiced law for at least one
7 year. The city attorney shall serve at the pleasure of the mayor. The city attorney shall be
8 responsible for representing and defending the city in all litigation in which the city is a party,
9 may be the prosecuting officer in the municipal court, shall attend the meetings of the council
10 as directed, shall advise the city council, mayor, and other officers and employees of the city
11 concerning legal aspects of the city's affairs, and shall perform such other duties as may be
12 required by virtue of the position of city attorney. The city council shall provide for the
13 compensation of the city attorney.

14 **SECTION 4.13.**

15 City clerk.

16 The mayor shall nominate a city clerk who shall not be a councilmember subject to
17 ratification by the council. The city clerk shall serve at the pleasure of the mayor. The city
18 clerk shall be custodian of the official city seal, maintain city council records required by this
19 charter, and perform such other duties as may be required by the city council. The city
20 council shall provide for the compensation of the city clerk.

21 **SECTION 4.14.**

22 City tax collector.

23 The mayor shall nominate a city tax collector subject to ratification by the council. The city
24 tax collector shall serve at the pleasure of the mayor. The city tax collector shall collect all
25 taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this
26 charter and the ordinances of the city and to enforce all laws of Georgia relating to the
27 collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city.
28 The city council shall provide for the compensation of the city tax collector.

29 **SECTION 4.15.**

1 City accountant.

2 The mayor shall nominate a city accountant subject to ratification by the council. The city
3 accountant shall serve at the pleasure of the mayor. The city council shall provide for the
4 compensation of the city accountant.

5 **SECTION 4.16.**

6 Rules and regulations.

7 The city council shall adopt rules and regulations consistent with this charter concerning:

8 (1) The method of employee selection and probationary periods of employment;

9 (2) The administration of a position classification and pay plan, methods of promotion
10 and applications of service ratings thereto, and transfer of employees within the
11 classification plan;

12 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
13 the order and manner in which layoffs shall be effected;

14 (4) Such dismissal hearings as due process may require; and

15 (5) Such other personnel notices as may be necessary to provide for adequate and
16 systematic handling of personnel affairs.

17 **ARTICLE V**

18 **JUDICIAL BRANCH**

19 **SECTION 5.10.**

20 Municipal court.

21 There shall be a court to be known as the Municipal Court of the City of Johns Creek.

22 **SECTION 5.11.**

23 Judges.

24 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
25 or stand-by judges as shall be provided by ordinance. The chief judge shall be appointed by
26 resolution of the city council and the method of selection and terms of any other judges shall
27 be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall have been a member of the State Bar of Georgia for a minimum of three years.

(c) Compensation of the chief judge and other judges shall be fixed by the city council. The position of chief judge shall not be a full-time position, and the person serving as chief judge may engage in the private practice of law.

(d) The chief judge shall serve a term of four years, coincident with the term of the mayor, but may be removed for cause by a vote of five members of the city council or upon action taken by the Judicial Qualification Commission.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 3.14 of this charter.

SECTION 5.12.

Convening of court.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 5.13.

Powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed the statutory limits for fines and imprisonment for such municipal court.

(c) The municipal court may fix punishment for offenses within its jurisdiction, including both fines and imprisonment or alternative sentencing, provided that such fines or imprisonment does not exceed the statutory limits as now exist or hereafter provided by law.

(d) The municipal court shall have the authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the actual cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violation of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary

1 authority to accept cash or personal or real property as surety bond for the appearance of
2 persons charged with violations. Whenever any person shall give bail for appearance and
3 shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
4 presiding at such time and an execution shall be issued thereon by serving the defendant and
5 his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.

6 (f) The municipal court shall have the same authority as superior courts to compel the
7 production of evidence in the possession of any party; to enforce obedience to its orders,
8 judgments, and sentences; and to administer such oaths as are necessary.

9 (g) The municipal court shall have the authority to bind prisoners over to the appropriate
10 court when it appears by probable cause that state law has been violated.

11 (h) Each judge of the municipal court may compel the presence of all parties necessary to
12 a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which
13 may be served as executed by any officer as authorized by this charter or by law.

14 (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
15 persons charged with offenses against any ordinance of the city, and each judge of the
16 municipal court shall have the same authority as a magistrate of the state to issue warrants
17 for offenses against state laws committed within the city.

18 (j) The municipal court is specifically vested with all the jurisdiction and powers throughout
19 the geographic area of this city granted by law to municipal courts and particularly by such
20 laws as authorize the abatement of nuisances and prosecution of traffic violations.

21 **SECTION 5.14.**

22 **Certiorari.**

23 The right of certiorari from the decision and judgment of the municipal court shall exist in
24 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
25 the sanction of a judge of the Superior Court of Fulton County, under the laws of the State
26 of Georgia regulating the granting and issuance of writs of certiorari.

27 **SECTION 5.15.**

28 **Rules.**

29 With the approval of the city council, the judge shall have full power and authority to make
30 reasonable rules and regulations necessary and proper to secure the efficient and successful
31 administration of the municipal court; provided, however, that the city council may adopt in
32 part or in toto the rules and regulations applicable to superior courts. The rules and

1 regulations made or adopted shall be filed with the city clerk, shall be available for public
2 inspection, and, upon request, shall be furnished to all defendants in municipal court
3 proceedings at least 48 hours prior to said proceedings.

4 **ARTICLE VI**

5 **FINANCE**

6 **SECTION 6.10.**

7 **Property tax.**

8 The city council may assess, levy, and collect an ad valorem tax on all real and personal
9 property within the corporate limits of the city that is subject to such taxation by the state and
10 county. This tax is for the purpose of raising revenues to defray the costs of operating the city
11 government, of providing governmental services, for the repayment of principal and interest
12 on general obligations, and for any other public purpose as determined by the city council in
13 its discretion.

14 **SECTION 6.11.**

15 **Millage.**

16 (a) The city council by ordinance shall establish a millage rate for the city property tax, a due
17 date, and the time period within which these taxes must be paid. The city council by
18 ordinance may provide for the payment of these taxes by installments or in one lump sum,
19 as well as authorize the voluntary payment of taxes prior to the time when due.

20 (b) For all years, the millage rate imposed for ad valorem taxes on real property shall not
21 exceed 4.731, unless a higher millage rate is recommended by resolution of the city council
22 and subsequently approved by a majority of the eligible voters of the city by referendum.
23 This millage rate limit shall apply to the millage rate actually levied and shall not apply to
24 the hypothetical millage rate computed under subsection (a) of Code Section 48-8-91 of the
25 O.C.G.A., relating to conditions on imposition of the joint county and municipal sales tax.

26 **SECTION 6.12.**

27 **Occupation taxes and business license fees.**

28 The city council by ordinance shall have the power to levy such occupation or business taxes
29 as are not denied by law. Such taxes may be levied on both individuals and corporations who
30 transact business in this city or who practice or offer to practice any profession or calling

1 within the city to the extent such persons have a constitutionally sufficient nexus to this city
2 to be so taxed. The city council may classify businesses, occupations, professions, or callings
3 for the purpose of such taxation in any way which may be lawful and may compel the
4 payment of such taxes as provided in Section 6.18 of this charter.

5 **SECTION 6.13.**

6 Licenses.

7 The city council by ordinance shall have the power to require any individual or corporation
8 who transacts business in this city or who practices or offers to practice any profession or
9 calling within the city to obtain a license or permit for such activity from the city and pay a
10 reasonable fee for such license or permit where such activities are not now regulated by
11 general law in such a way as to preclude city regulations. Such fees may reflect the total cost
12 to the city of regulating the activity and, if unpaid, shall be collected as provided in Section
13 6.18 of this charter. The city council by ordinance may establish reasonable requirements
14 for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

15 **SECTION 6.14.**

16 Franchises.

17 The city council shall have the power to grant franchises for the use of this city's streets and
18 alleys for the purposes of railroads, street railways, telephone companies, electric companies,
19 cable television companies, gas companies, transportation companies, and other similar
20 organizations. The city council shall determine the duration, terms, whether the same shall
21 be exclusive or nonexclusive, and the consideration for such franchises; provided, however,
22 that no franchise shall be granted for a period in excess of 35 years and no franchise shall be
23 granted unless the city receives just and adequate compensation therefor. The city council
24 shall provide for the registration of all franchises with the city clerk in a registration book
25 kept by the clerk. The city council may provide by ordinance for the registration within a
26 reasonable time of all franchises previously granted.

27 **SECTION 6.15.**

28 Utilities/infrastructure fees.

29 The city council by ordinance shall have the power to assess and collect fees, charges, and
30 tolls for sewers, sanitary and health services, or any other services provided or made

1 available inside or outside the corporate limits of the city for the total cost to the city of
2 providing or making available such services. If unpaid, such charges shall be collected as
3 provided in Section 6.18 of this charter.

4 **SECTION 6.16.**

5 Roads.

6 The city council by ordinance shall have the power to assess, charge, and collect the costs of
7 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
8 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
9 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
10 collected as provided in Section 6.18 of this charter.

11 **SECTION 6.17.**

12 Other taxes.

13 This city shall be empowered to levy any other tax allowed now or hereafter by law, and the
14 specific mention of any right, power, or authority in this article shall not be construed as
15 limiting in any way the general powers of this city to govern its local affairs.

16 **SECTION 6.18.**

17 Collection of delinquent taxes.

18 The city council by ordinance may provide generally for the collection of delinquent taxes,
19 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
20 whatever reasonable means as are not precluded by law. This shall include providing for the
21 dates when the taxes or fees are due, late penalties or interest, issuance and execution of fi.
22 fas., creation and priority of liens, making delinquent taxes and fees personal debts of the
23 persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay
24 any city taxes or fees, and providing for the assignment or transfer of tax executions.

25 **SECTION 6.19.**

26 Borrowing.

27 The city council shall have the power to issue bonds for the purpose of raising revenue to
28 carry out any project, program, or venture authorized under this charter or the laws of the

1 state. Such bonding authority shall be exercised in accordance with the laws governing bond
2 issuance by municipalities in effect at the time said issue is undertaken.

3 **SECTION 6.20.**

4 Revenue bonds.

5 Revenue bonds may be issued by the city council as state law now or hereafter provides.
6 Such bonds are to be paid out of any revenue produced by the project, program, or venture
7 for which they were issued.

8 **SECTION 6.21.**

9 Loans.

10 The city may obtain short-term loans and must repay such loans not later than December 31
11 of each year, unless otherwise provided by law.

12 **SECTION 6.22.**

13 Accounting and budgeting.

14 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
15 budget year and the year for financial accounting and reporting of each and every office,
16 department, agency, and activity of the city government.

17 **SECTION 6.23.**

18 Budget ordinance.

19 The city council shall provide an ordinance on the procedures and requirements for the
20 preparation and execution of an annual operating budget, a capital improvement program,
21 and a capital budget, including requirements as to the scope, content, and form of such
22 budgets and programs. The city council shall comply with the provisions of Chapter 81 of
23 Title 36 of the O.C.G.A.

24 **SECTION 6.24.**

25 Operating budget.

1 On or before a date fixed by the city council but not later than 60 days prior to the beginning
2 of each fiscal year, the city manager shall submit to the city council a proposed operating
3 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
4 city manager containing a statement of the general fiscal policies of the city, the important
5 features of the budget, explanations of major changes recommended for the next fiscal year,
6 a general summary of the budget, and such other comments and information as the city
7 manager may deem pertinent. The operating budget, the capital improvements budget, the
8 budget message, and all supporting documents shall be filed in the office of the city clerk and
9 shall be open to public inspection.

10 **SECTION 6.25.**

11 Adoption.

12 (a) The city council may amend the operating budget proposed by the city manager, except
13 that the budget as finally amended and adopted must provide for all expenditures required
14 by state law or by other provisions of this charter and for all debt service requirements for
15 the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated
16 fund balance, reserves, and revenues.

17 (b) After the conducting of a budget hearing, the city council shall adopt the final operating
18 budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. If the
19 city council fails to adopt the budget by said date, the amounts appropriated for operation for
20 the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a
21 month-to-month basis, with all items prorated accordingly, until such time as the city council
22 adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an
23 appropriations ordinance setting out the estimated revenues in detail by sources and making
24 appropriations according to fund and by organizational unit, purpose, or activity as set out
25 in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

26 (c) The amount set out in the adopted operating budget for each organizational unit shall
27 constitute the annual appropriation for such, and no expenditure shall be made or
28 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
29 or allotments thereof to which it is chargeable.

SECTION 6.26.

Levy of taxes.

Following adoption of the operating budget, the city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expense of the general government of this city.

SECTION 6.27.

Changes in budget.

The city council by majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

SECTION 6.28.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements budget with any recommendations as to the means of financing the improvements proposed for the ensuing year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 3.17 of this charter.

(b) After the conducting of a public hearing, the city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by any

1 recommendations. Any such amendments to the capital improvements budget shall become
2 effective only upon adoption by majority vote of the city council.

3 **SECTION 6.29.**

4 Audits.

5 There shall be an annual independent audit of all city accounts, funds, and financial
6 transactions by a certified public accountant selected by the city council. The audit shall be
7 conducted according to generally accepted accounting principles. Any audit of any funds by
8 the state or federal government may be accepted as satisfying the requirements of this
9 charter. Copies of all audit reports shall be available at printing costs to the public.

10 **SECTION 6.30.**

11 Procurement and property management.

12 No contract with the city shall be binding on the city unless:

13 (1) It is in writing;

14 (2) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
15 is signed by the city attorney to indicate such drafting or review; and

16 (3) It is made or authorized by the city council and such approval is entered in the city
17 council journal of proceedings pursuant to Section 3.14 of this charter.

18 **SECTION 6.31.**

19 Purchasing.

20 The city council shall by ordinance prescribe procedures for a system of centralized
21 purchasing for the city.

22 **SECTION 6.32.**

23 Sale of property.

24 (a) The city council may sell and convey any real or personal property owned or held by the
25 city for governmental or other purposes as now or hereafter provided by law, as well as any
26 abandoned or surplus property.

27 (b) The city council may quitclaim any rights it may have in property not needed for public
28 purposes upon request by the mayor and adoption of a resolution, both finding that the

property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to execute and deliver in the name of the city a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place when such exchange is deemed to be in the best interest of the city. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

SECTION 6.33.

General homestead exemption.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek, except for any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(b) Each resident of the City of Johns Creek is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Johns Creek, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to

1 make application thereafter for any year and the exemption shall continue to be allowed to
2 such person. It shall be the duty of any person granted the homestead exemption under
3 subsection (b) of this section to notify the governing authority of the City of Johns Creek, or
4 the designee thereof, in the event that person for any reason becomes ineligible for that
5 exemption.

6 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
7 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
8 school district ad valorem taxes for educational purposes. The homestead exemption granted
9 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
10 exemption applicable to municipal ad valorem taxes for municipal purposes.

11 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
12 beginning on or after January 1, 2007.

13 **SECTION 6.34.**

14 **General homestead exemption for citizens age 65 or over.**

15 (a) As used in this section, the term:

16 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
17 purposes levied by, for, or on behalf of the City of Johns Creek except for any ad valorem
18 taxes to pay interest on and to retire municipal bonded indebtedness.

19 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
20 the O.C.G.A., as amended.

21 (3) "Senior citizen" means a person who is 65 years of age or over on or before January
22 1 of the year in which application for the exemption under subsection (b) of this section
23 is made.

24 (b) Each resident of the City of Johns Creek who is a senior citizen is granted an exemption
25 on that person's homestead from City of Johns Creek ad valorem taxes for municipal
26 purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of
27 that property in excess of such exempted amount shall remain subject to taxation.

28 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
29 section unless the person or person's agent files an application with the governing authority
30 of the City of Johns Creek, or the designee thereof, giving the person's age and such
31 additional information relative to receiving such exemption as will enable the governing
32 authority of the City of Johns Creek, or the designee thereof, to make a determination
33 regarding the initial and continuing eligibility of such owner for such exemption. The

governing authority of the City of Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 6.35.

Homestead exemption for citizens age 65 or over
meeting certain income requirements.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Income" means adjusted gross income as such term is defined in the Internal Revenue Code of 1986, as such code is defined in Code Section 48-1-2 of the O.C.G.A., except that for purposes of this section the term shall include only that portion of income or benefits received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

1 (4) "Senior citizen" means a person who is 65 years of age or over on or before January
2 1 of the year in which application for the exemption under subsection (b) of this section
3 is made.

4 (b) Each resident of the City of Johns Creek who is a senior citizen is granted an exemption
5 on that person's homestead from City of Johns Creek ad valorem taxes for municipal
6 purposes in the amount of \$10,000.00 of the assessed value of that homestead. The
7 exemption granted by this subsection shall only be granted if that person's income, together
8 with the income of the spouse who also occupies and resides at such homestead does not
9 exceed the maximum amount which may be received by an individual and an individual's
10 spouse under the federal Social Security Act for the immediately preceding year. The value
11 of that property in excess of such exempted amount shall remain subject to taxation.

12 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
13 section unless the person or person's agent files an application with the governing authority
14 of the City of Johns Creek, or the designee thereof, giving the person's age, income, and such
15 additional information relative to receiving such exemption as will enable the governing
16 authority of the City of Johns Creek, or the designee thereof, to make a determination
17 regarding the initial and continuing eligibility of such owner for such exemption. The
18 governing authority of the City of Johns Creek, or the designee thereof, shall provide
19 application forms for this purpose.

20 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
21 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
22 so long as the owner occupies the residence as a homestead. After a person has filed the
23 proper application, as provided in subsection (c) of this section, it shall not be necessary to
24 make application thereafter for any year and the exemption shall continue to be allowed to
25 such person. It shall be the duty of any person granted the homestead exemption under
26 subsection (b) of this section to notify the governing authority of the City of Johns Creek,
27 or the designee thereof, in the event that person for any reason becomes ineligible for that
28 exemption.

29 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
30 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
31 school district ad valorem taxes for educational purposes. The homestead exemption granted
32 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
33 exemption applicable to municipal ad valorem taxes for municipal purposes.

34 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
35 beginning on or after January 1, 2007.

SECTION 6.36.

Homestead exemption for citizens age 70 or over
and disabled persons meeting certain income requirements.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Income" means adjusted gross income determined pursuant to the Internal Revenue Code of 1986, as amended, for federal income tax purposes, except that for the purposes of this section the term shall include only that portion of income or benefits received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

(4) "Senior citizen" means a person who is 70 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Johns Creek who is a senior citizen or who is disabled is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes for the full value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead does not exceed the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year.

(c)(1) In order to qualify for the exemption provided for in subsection (b) of this section as being disabled, the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice medicine under Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such physician or physicians such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. Such certificate or certificates shall constitute part of and be submitted with the application provided for in paragraph (2) of this subsection.

(2) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Johns Creek, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

ARTICLE VII

GENERAL PROVISIONS

SECTION 7.10.

Bonds for officials.

The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.

Charter language on other general matters.

1 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
2 contracts, and legal or administrative proceedings shall continue and any such ongoing work
3 or cases shall be completed by such city agencies, personnel, or offices as may be provided
4 by the city council.

5 **SECTION 7.12.**

6 Definitions and construction.

7 (a) Section captions in this charter are informative only and shall not be considered as a part
8 thereof.

9 (b) The word "shall" is mandatory and the word "may" is permissive.

10 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
11 versa.

12 **SECTION 7.13.**

13 Qualified electors.

14 (a) For the purposes of the referendum elections provided for in Section 7.14 of this Act the
15 qualified electors shall be those qualified electors of Fulton County residing within the areas
16 described in Appendixes A and B of this charter.

17 (b) For the purposes of the special election to be held on the Tuesday after the first Monday
18 in November, 2006, the qualified electors shall be those qualified electors of Fulton County
19 residing within the City of Johns Creek, as determined according to the results of the election
20 provided for in Section 7.14 of this Act.

21 (c) At subsequent municipal elections, the qualified electors of the City of Johns Creek shall
22 be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., the
23 "Georgia Election Code."

24 (d) Only for the purpose of holding and conducting the referendum election provided for by
25 Section 7.14 of this Act and only for the purpose of holding and conducting the special
26 election of the City of Johns Creek to be held on the Tuesday after the first Monday in
27 November, 2006, the election superintendent of Fulton County is vested with the powers and
28 duties of the election superintendent of the City of Johns Creek and the powers and duties
29 of the governing authority of the City of Johns Creek.

30 **SECTION 7.14.**

31 Referendum.

(a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Fulton County shall call two special elections for the purpose of submitting this Act to the qualified voters, as provided in subsection (a) of Section 7.13 of this charter, for approval or rejection. The superintendent shall set the date of such elections for the date of the general primary in 2006. The superintendent shall issue the call for such elections at least 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the elections to be published once a week for two weeks immediately preceding the date thereof in the official organ of Fulton County. The ballot shall have written or printed thereon the words:

"() YES Do you approve the creation of the City of Johns Creek and the property tax rate cap and the granting of the homestead exemptions described in the Act
() NO creating the City of Johns Creek?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." The expense of the special elections set forth in this section shall be borne by Fulton County. It shall be the duty of the superintendent to hold and conduct such elections. It shall be his or her further duty to certify the results thereof to the Secretary of State.

(b) One special election provided for in subsection (a) of this section shall be held and conducted in the area described in Appendix A of this charter and one such special election shall be held in the area described in Appendix B of this charter. The votes of each special election shall be counted separately, and the results shall be as follows:

(1) If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the Act, it shall become of full force and effect and the territorial limits of the city shall include the area described in Appendix A of this charter. Otherwise, if one-half or less of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the Act it shall thereafter be void and of no force or effect, regardless of the outcome of the special election in the area described in Appendix B of this charter; and

(2) If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the Act and more than one-half of the votes cast on such question in the special election in the area described in Appendix B of this charter are for approval of the Act, the territorial limits of the city shall include the area described in Appendix B of this charter as well as the area described in Appendix A of this charter. If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the

1 Act and one-half or less of the votes cast on such question in the special election in the
2 area described in Appendix B of this charter are for approval of the Act, the territorial
3 limits of the city shall include the area described in Appendix A but shall not thereafter
4 include the area described in Appendix B of this charter.

5 **SECTION 7.15.**

6 Effective dates.

7 (a) Sections 1.10 and 1.11 of this Act and those provisions of the Act necessary for the
8 special election provided for in Section 7.14 of this charter shall become effective
9 immediately upon this Act's approval by the Governor or upon its becoming law without
10 such approval.

11 (b) Those provisions of this Act necessary for the special election to be held on the Tuesday
12 after the first Monday in November, 2006, as provided by Article II of this charter shall be
13 effective upon the certification of the results of the referendum election provided for by
14 Section 7.14 of this charter, if this Act is approved at such referendum election.

15 (c) The remaining provisions of this Act shall become of full force and effect for all
16 purposes on December 1, 2006, except that the initial mayor and councilmembers shall take
17 office immediately following their election and by action of a quorum may prior to December
18 1, 2006, meet and take actions binding on the city.

19 **SECTION 7.16.**

20 Transition.

21 (a) A period of time will be needed for an orderly transition of various government functions
22 from Fulton County to the City of Johns Creek. Accordingly there shall be a transition period
23 beginning on December 1, 2006, and ending at midnight on November 30, 2008. During
24 such transition period, all provisions of this charter shall be effective as law, but not all
25 provisions of this charter shall be implemented.

26 (b) During such transition period, Fulton County shall continue to provide within the
27 territorial limits of Johns Creek all government services and functions which Fulton County
28 provided in that area at the time of enactment of this charter and at actual cost as provided
29 pursuant to Code Section 36-31-8 of the O.C.G.A., except to the extent otherwise provided
30 in this section; provided, however, that upon at least 30 days' written notice to Fulton County
31 by the City of Johns Creek, responsibility for any such service or function shall be transferred
32 to the City of Johns Creek. Effective December 1, 2006, the City of Johns Creek shall collect

1 taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits
2 of Johns Creek. Where a particular tax, fee, assessment, fine, forfeiture, or other amount
3 collected is specifically related to the provision of a particular government service or function
4 by Fulton County, the service or function shall continue to be provided by the county
5 contingent upon payment by the city of the actual cost of providing such service or function
6 unless otherwise provided in a written agreement between the city and the county. Any
7 existing contract for the performance of a governmental service with a private person
8 residing or doing business within the city limits shall not be altered or adversely affected by
9 the establishment by this Act of the City of Johns Creek.

10 (c) During the transition period, the governing authority of the City of Johns Creek:

- 11 (1) Shall hold regular meetings and may hold special meetings as provided in this
12 charter;
- 13 (2) May enact ordinances and resolutions as provided in this charter;
- 14 (3) May amend this charter by home rule action as provided by general law;
- 15 (4) May accept gifts and grants;
- 16 (5) May borrow money and incur indebtedness to the extent authorized by this charter
17 and general law;
- 18 (6) May levy and collect an ad valorem tax for calendar years 2007 and 2008;
- 19 (7) May establish a fiscal year and budget;
- 20 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
21 of the city; appoint and remove officers and employees; and exercise all necessary or
22 appropriate personnel and management functions; and
- 23 (9) May generally exercise any power granted by this charter or general law, except to
24 the extent that a power is specifically and integrally related to the provision of a
25 governmental service, function, or responsibility not yet provided or carried out by the
26 city.

27 (d) Except as otherwise provided in this section, during the transition period the Municipal
28 Court of the City of Johns Creek shall not exercise its jurisdiction. During the transition
29 period, all ordinances of Fulton County shall remain applicable within the territorial limits
30 of Johns Creek and the appropriate court or courts of Fulton County shall retain jurisdiction
31 to enforce such ordinances. Upon notice by the City of Johns Creek, Fulton County shall
32 transfer all or part of such regulatory authority and the appropriate court jurisdiction to the
33 City of Johns Creek as contained in such notice. Any transfer of jurisdiction to the City of
34 Johns Creek during or at the end of the transition period shall not in and of itself abate any
35 judicial proceeding pending in Fulton County or the pending prosecution of any violation of
36 any ordinance of Fulton County.

(e) During the transition period, the governing authority of Johns Creek may at any time, without the necessity of any agreement by Fulton County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of Johns Creek commencing to exercise its planning and zoning powers, the Municipal Court of the City of Johns Creek shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.

(f) Effective upon the termination of the transition period, subsections (b) through (e) of this section shall cease to apply except for the last sentence of subsection (d) which shall remain effective. Effective upon the termination of the transition period, the City of Johns Creek shall be a full functioning municipal corporation and subject to all general laws of this state.

SECTION 7.17.

Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause, delay in securing approval under the federal Voting Rights Act, or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is specifically provided that:

(1) If it is not possible to hold the referendum election provided for in Section 7.14 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable; and

(2) If it is not possible to hold the first municipal election provided for in Section 2.11 of this Act on the date specified in that section, then there shall be a special election for the initial members of the governing authority to be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly.

SECTION 7.18.

Charter commission.

1 At the first regularly scheduled city council meeting, five years after the inception of the City
2 of Johns Creek, the mayor and city council shall create a charter commission to review the
3 city's experience and recommend to the General Assembly any changes to the city charter.
4 All members of the charter commission must reside in the City of Johns Creek. The
5 commission must complete the recommendations within six months of its creation.

6 **SECTION 7.19.**

7 Severability.

8 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
9 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
10 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
11 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
12 adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly
13 hereby declares that it would have passed the remaining parts of this Act if it had known that
14 such part or parts hereof would be declared or adjudged invalid or unconstitutional.

15 **SECTION 7.20.**

16 General repealer.

17 All laws and parts of laws in conflict with this Act are repealed.

APPENDIX A

If approved by the voters as described in Section 7.14 of this charter, the corporate limits of the City of Johns Creek shall include the following described territory of Fulton County except that the corporate limits of the City of Johns Creek shall not include any part of the following described territory which has been validly annexed to another city by an annexation completed before this Act is approved by the Governor or becomes law without such approval:

Commencing at the northeasterly point of Fulton County, Georgia at the point where Fulton County, Georgia intersects the westerly county line of Gwinnett County, Georgia, the southerly county line of Forsyth County, Georgia, as the boundaries existed on January 1, 2006, and the Chattahoochee River; running thence generally southwesterly along the southeastern line of Fulton County where it intersects the northeasterly line of Gwinnett County, following the meanderings of the Chattahoochee River, to the point where said Fulton-Gwinnett County line intersects the dividing line between Fulton County Voting Precincts NC11A and NC06, as they existed on January 1, 2006; thence leaving said Fulton-Gwinnett County line, running northwesterly along said dividing line between voting precincts to its intersection with Barnwell Road; thence following Barnwell Road northeasterly to the point where said right-of-way intersects with Jones Bridge Road; thence following Jones Bridge Road northerly to the point where said right-of-way intersects with Old Alabama Road; thence following the right-of-way of Old Alabama Road west to the point where said right-of-way intersects with the right-of-way of Brumbelow Road; thence following the right-of-way of Brumbelow Road south to the point where said right-of-way intersects with the south land lot line of Land Lot 924, 1st District, 2nd Section, Fulton County, Georgia, said point also being the southeastern corner of that certain parcel of land (Fulton County tax id# 12318008950488, according to the parcel numbering system existing on January 1, 2006) described in that certain Quit Claim Deed, dated May 5, 1997, recorded in Deed Book 22692, page 012, Official Deed Records of Fulton County, Georgia, said point further representing the southeasterly corner of Newtown Park; thence leaving said right-of-way running west along the south line of Land Lots 924 and 895, aforesaid District and Section, to a point at the intersection of Land Lots 894, 895, 869 and 870, aforesaid District and Section, said point also being the southwest corner of Newtown Park; thence running north along the west land lot line of Land Lot 895 to a point to its northernmost point adjacent to the east boundary of the Chartwell Subdivision, as set out on that certain plat entitled Final Subdivision Plat of Chartwell, Unit 1, Phase 1, by Travis Pruitt & Associates, Inc., recorded at Plat Book 188, page 49, Official

1 Deed Records of Fulton County, Georgia; thence leaving said land lot line following the
2 east boundary of the Chartwell Subdivision northwesterly to Old Alabama Road; thence
3 running along the right-of-way of Old Alabama Road to its intersection with the northeast
4 corner of the Old Alabama Square Shopping Center as set out on that certain plat entitled
5 Old Alabama Square, Exemption Plat, by Post, Buckley, Schuh & Jernigan, Inc., recorded
6 at Plat Book 220, page 124, Official Deed Records of Fulton County, Georgia; thence
7 leaving said right-of-way running south and southwest along the east line of said shopping
8 center parcel (said line also being set out on the aforementioned plat of Chartwell
9 Subdivision) to a point at the southeast corner of said shopping center parcel; thence
10 running west along the south line of said shopping center parcel to a point at the centerline
11 of a creek, the same being located at the southwest corner of said shopping center parcel,
12 said point also being located on the east property line of that certain parcel of land (Fulton
13 County tax id# 12304008391576, according to the parcel numbering system existing on
14 January 1, 2006) said parcel being described in that certain General Warranty Deed, dated
15 June 24, 1999, recorded in Deed Book 27358, page 340, Official Deed Records of Fulton
16 County, Georgia; thence running southerly along the meanderings of said creek along the
17 east line of said parcel of land (Fulton County tax id# 12304008391576) to its intersection
18 with the south land lot line of Land Lot 840, aforesaid District and Section; thence leaving
19 the centerline of said creek running west along the south line of land lots 840 and 817 to
20 its intersection with the easterly boundary of City of Roswell, Georgia, as said boundary
21 existed on January 1, 2006, at the right-of-way of Nesbit Ferry Road; thence running north
22 along said right-of-way of Nesbit Ferry Road to the point in Land Lot 818, aforesaid
23 District and Section, where said eastern boundary leaves the right-of-way of Nesbit Ferry
24 Road; thence following said eastern boundary northwest to the point where said eastern
25 boundary intersects the east land lot line of Land Lot 787, aforesaid District and Section;
26 thence running northeasterly along the eastern boundary of the City of Roswell, Georgia,
27 following the courses and distances thereof, to a point in Land Lot 867, aforesaid District
28 and Section, where said boundary line intersects the northwest corner of the Magnolia Park
29 Subdivision as set out on that certain plat entitled Final Plat for Magnolia Park, by Post,
30 Buckley, Schuh & Jernigan, Inc., recorded at Plat Book 224, page 89, Official Deed
31 Records of Fulton County, Georgia, said point also lying on the south line of the Willow
32 Springs Subdivision, as set out on that certain plat entitled Final Plat Willow Springs S/D,
33 Unit 5, by Mayes Sudderth & Etheridge, Inc., recorded at Plat Book 116, page 40, Official
34 Deed Records of Fulton County, Georgia; thence leaving said boundary line of the City of
35 Roswell, Georgia, running southwest along the west line of said Magnolia Park
36 Subdivision to a point at the southwest corner of said Magnolia Park Subdivision; thence

1 running east, north and east along the south line of said Magnolia Park Subdivision to the
2 point where said line intersects with Haynes Bridge Road at the southeast corner of said
3 Magnolia Park Subdivision; thence running north along the right-of-way of Haynes Bridge
4 Road, to the point in Land Lot 867, aforesaid District and Section, at the northerly
5 intersection of said right-of-way with the east boundary line of the aforementioned Final
6 Plat Willow Springs S/D, Unit 5; thence leaving said right-of-way running west along the
7 boundary line of the Willow Springs Subdivision to a point on the west land lot line of
8 Land Lot 867, aforesaid District and Section; thence continuing north along said east
9 boundary line of Willow Springs Subdivision following the west land lot line of Land Lots
10 867 and 866, aforesaid District and Section, to the point at the intersection of Land Lots
11 843, 844, 865 and 866, aforesaid District and Section, said point also lying on the south
12 boundary line of that certain Wentworth Subdivision as set out on that certain plat entitled
13 Final Plat for Wentworth, by Hayes, James & Associates, recorded at Plat Book 214, page
14 129, Official Deed Records of Fulton County, Georgia; thence running west along the
15 south boundary of Wentworth Subdivision, and Land Lot 844, aforesaid District and
16 Section, to a point at the southwest corner of said subdivision; thence leaving said land lot
17 line running north along the west boundary of said Wentworth Subdivision, following the
18 courses and distances thereof across the right-of-way of Haynes Bridge Road, to a point at
19 the northwest corner of said Wentworth Subdivision, said point being located on the north
20 line of Land Lot 844, aforesaid District and Section; thence running east along the north
21 line of said Wentworth Subdivision, along the north lines of Land Lots 844 and 865,
22 aforesaid District and Section, to a point at the northeast corner of said subdivision; thence
23 leaving said land lot line, running south along the east boundary of said Wentworth
24 Subdivision to the point at which said boundary line intersects the northerly point of that
25 certain parcel of land (Fulton County tax id# 12302008650447, according to the parcel
26 numbering system existing on January 1, 2006) described in that certain Deed, dated
27 September 1, 2004, recorded in Deed Book 38424, page 122, Official Deed Records of
28 Fulton County, Georgia; thence running southeast and southerly along the east property line
29 of said parcel of land to a point, said point also lying at the northeast corner of that certain
30 parcel of land (Fulton County tax id# 12302008650173, according to the parcel numbering
31 system existing on January 1, 2006) described in that certain Deed, dated September 2,
32 2004, recorded in Deed Book 38424, page 118, Official Deed Records of Fulton County;
33 thence running south along the east line of said parcel of land (Fulton County tax id#
34 12302008650173) to a point at the southeast corner of said parcel of land; thence running
35 southwest along the southeast property line of said parcel of land (Fulton County tax id#
36 12302008650173) to a point on the right-of-way of Haynes Bridge Road; thence following

1 the right-of-way of Haynes Bridge Road southeast to the intersection of Haynes Bridge
2 Road and Alvin Road; thence running northeasterly along Alvin Road to a point at its
3 intersection in Land Lot 898, aforesaid District and Section, with the southeast corner of
4 the Berkshire Manor Subdivision, Unit One, as set out on that certain plat recorded in the
5 Official Deed Records of Fulton County, Georgia; thence running north along the east
6 boundary of said Berkshire Manor Subdivision following said east boundary of the
7 Berkshire Manor Subdivision along Unit One, Unit Three, and Unit Five thereof, to the
8 point at which said east boundary intersects the south line of Land Lot 900 the same lying
9 at the southwest corner of the Summer Trace Subdivision as set out on that certain plat
10 entitled Final Plat for Summer Trace, Unit Two, by Civil Design, Inc., recorded at Plat
11 Book 149, page 5, Official Deed Records of Fulton County, Georgia; thence running east
12 along said south land lot line to point at the intersection of said land lot line and the
13 southeast corner of Lot 104 of set forth on said Summer Trace Subdivision Plat; thence
14 leaving said land lot line running northwest along the northeast property line of said Lot
15 104 to the north corner of said lot 104, said point also being located at the southwest corner
16 of Unit III of the Summer Trace Subdivision as set out on that certain Final Plat for
17 Summer Trace, Unit III, by Civil Design, Inc., recorded at Plat Book 153, page 1, Official
18 Deed Records of Fulton County, Georgia; thence running northwest along the westerly line
19 of said Unit III of the Summer Trace Subdivision following the courses and distances
20 thereof to a point at its intersection with the City of Alpharetta, Georgia, as it existed on
21 January 1, 2006, at Long Indian Creek; thence following said boundary line of the City of
22 Alpharetta, Georgia southeasterly along the meanderings of Long Indian Creek to the point
23 where Long Indian Creek intersects the easterly line of Land Lot 864, aforesaid District and
24 Section, there leaving said boundary line of the City of Alpharetta, Georgia; thence
25 continuing along the meanderings of Long Indian Creek easterly to the point where Long
26 Indian Creek intersects the east line of Land Lot 918, aforesaid District and Section; thence
27 leaving Long Indian Creek running south along said east land lot line of Land Lot 918 to
28 the point where said east line intersects with the north line of Land Lot 11, 1st District, 1st
29 Section of Fulton County, Georgia; thence running east along said north land lot line of
30 said Land Lot 11 to a point where said land lot line intersects with that certain Storm Drain
31 Line located northeasterly from the northeastern line of Timberstone Subdivision, Section
32 III, as set out on that certain plat entitled Final Subdivision Map for Timberstone Section
33 III, by Urban Engineers, Inc., recorded at Plat Book 115, page 81, Official Deed Records
34 of Fulton County, Georgia; thence following the meanderings of said Storm Drain Line
35 southeasterly in said Land Lot 11 to the point where said Storm Drain Line intersects with
36 the south line of said Land Lot 11; thence running east along said south line of said Land

1 Lot 11 to the point at the intersection of Land Lots 11, 12, 35 and 36, aforesaid District and
2 Section; thence running south along the east line of said Land Lot 12 to the point where
3 said land lot line intersects with the southwest corner of Lauren Hall Subdivision, as set out
4 on that certain plat entitled Final Plat of Lauren Hall Subdivision, by Watts & Browning
5 Engineers, Inc., dated February 13, 1995, recorded at Plat Book 186, page 2, Official Deed
6 Records of Fulton County, Georgia; thence running easterly along the south line of said
7 Lauren Hall Subdivision following the courses and distances thereof to a point on the
8 northwesterly right-of-way of Jones Bridge Road; thence running northeast along said
9 northwesterly right-of-way of Jones Bridge Road to the point at which said right-of-way
10 intersects the northeast right-of-way of Waters Road; thence leaving said right-of-way of
11 Jones Bridge Road running northwest along said northeast right-of-way of Waters Road
12 to a point at the northwesterly corner of that certain parcel of land (Fulton County tax id#
13 11018000580174, according to the parcel numbering system existing on January 1, 2006)
14 described in that certain Warranty Deed, dated January 2, 1996, recorded in Deed Book
15 20494, page 331, Official Deed Records of Fulton County, Georgia; thence leaving said
16 right-of-way running northeasterly along the northerly property line of said parcel of land
17 to a point at the northeast corner of said parcel of land, said point also constituting the
18 northwesterly corner of that certain parcel of land (Fulton County tax id# 11018000581370,
19 according to the parcel numbering system existing on January 1, 2006) described in that
20 certain Warranty Deed, dated April 19, 2002, recorded in Deed Book 32301, page 65,
21 Official Deed Records of Fulton County, Georgia; thence running northeasterly along the
22 northerly property line of said parcel of land (Fulton County tax id# 11018000581370) to
23 a point at the northeast corner of said parcel of land, said point being located on the
24 southwesterly property line of that certain parcel of land (Fulton County tax id#
25 11018000570290, according to the parcel numbering system existing on January 1, 2006)
26 described in that certain Warranty Deed, dated October 10, 2001, recorded in Deed Book
27 31201, page 149, Official Deed Records of Fulton County, Georgia; thence running
28 northwesterly along said southwesterly property line to a point at the northwest corner of
29 said parcel of land; thence running southeasterly along the northwesterly property line to
30 a point at the northeast corner of said parcel of land, said point being located on the east
31 land lot line of Land Lot 58, aforesaid District and Section; thence running north along the
32 east line of Land Lots 58, 57, and 56, aforesaid District and Section, to a point at the
33 intersection of Land Lots 55, 56, 77 and 78, aforesaid District and Section; thence running
34 east along the north line of Land Lots 77 and 96, aforesaid District and Section, to a point
35 at the intersection of Land Lots 95, 96, 115 and 116, aforesaid District and Section; thence
36 running south along the east line of said Land Lot 96 to a point located at the northwesterly

1 corner of that certain parcel of land (Fulton County tax id# 11028001150240, according
2 to the parcel numbering system existing on January 1, 2006) described in that certain
3 Executor's Deed, dated May 28, 2003, recorded in Deed Book 35203, page 391 Official
4 Deed Records of Fulton County, Georgia; thence leaving said land lot line running east
5 along the north property line of said parcel of land (Fulton County tax id#
6 11028001150240), to a point on the westerly right-of-way of Buice Road; thence following
7 said right-of-way northerly and westerly to the point where said right-of-way intersects the
8 east line of Land Lot 94, aforesaid District and Section, said point being located on the east
9 boundary of Ocee Park; thence leaving said right-of-way running south along said east line
10 to a point at the intersection of Land Lots 94, 95, 116, and 117, aforesaid District and
11 Section; thence running west along the south line of said Land Lot 94 to a point at the
12 intersection of Land Lots 78, 79, 94 and 95, aforesaid District and Section; running thence
13 north along the west line of said Land Lot 94 to a point at the intersection of Land Lots 79,
14 80, 93 and 94, aforesaid District and Section; thence running east along the north line of
15 said Land Lot 94 to a point located at the southeast corner of that certain parcel of land
16 (Fulton County tax id# 11027000930164, according to the parcel numbering system
17 existing on January 1, 2006) the same being set forth on that certain plat entitled Final Plat
18 for Donald Allen Fuqua, by Brumbelow-Reese & Assoc., Inc., dated November 10, 1983,
19 recorded at Plat Book 133, page 16, Official Deed Records of Fulton County, Georgia;
20 thence leaving said land lot line running northwesterly along the east property line of said
21 parcel of land to a point on the southeast right-of-way of Kimball Bridge Road; thence
22 running northeast along said right-of-way to the intersection of said right-of-way and the
23 east right-of-way of Buice Road; thence leaving said right-of-way of Kimball Bridge Road
24 running southeasterly along the east right-of-way of Buice Road, following the courses and
25 distances thereof, to the point at the intersection of said right-of-way and the south line of
26 Land Lot 116, aforesaid District and Section, said point being located at the southwest
27 corner of the Pinewalk Subdivision, Unit One, as set forth on that certain plat entitled Final
28 Plat – Unit One – Pinewalk Subdivision, by Engineering and Surveying, Inc., recorded at
29 Plat Book 158, page 101, Official Deed Records of Fulton County, Georgia; thence leaving
30 said right-of-way of Buice Road running east along the south line of Land Lots 116 and
31 133, aforesaid District and Section, along the south property line of said Pinewalk
32 Subdivision to a point at the southeast corner of said subdivision; thence leaving said land
33 lot line running north along the east property line of said Pinewalk Subdivision, Unit One,
34 as shown on said plat, to a point at the northeast corner of said Pinewalk Subdivision;
35 thence running west along the north line of said Pinewalk Subdivision, Unit One, as shown
36 on said plat, to the point at which said property line intersects with the west land lot line

1 of said Land Lot 133; thence running north along the west land lot line of Land Lot 133,
2 132 and 131, aforesaid District and Section to a point at the intersection of Land Lots 118,
3 119, 130 and 131, aforesaid District and Section; thence running west along the south line
4 of said Land Lot 119, 100.31 feet to a point at the intersection of said land lot line and the
5 a point immediately south of the southeast corner of The Pines at Kimball Bridge, Unit
6 One, as set forth on that certain plat entitled Final Plat of: The Pines at Kimball Bridge,
7 Unit One, by Hayes, James & Associates, recorded at Plat Book 140, page 33, Official
8 Deed Records of Fulton County, Georgia; thence leaving said south land lot line running
9 north to and along the east line of said subdivision continuing along said course across the
10 right-of-way of Kimball Bridge Road to a point on the northwesterly right-of-way of
11 Kimball Bridge Road; thence running northeasterly following said northwesterly
12 right-of-way of Kimball Bridge Road to a point at the intersection of said right-of-way with
13 the westerly right-of-way of Fox Road; thence running northerly along said westerly
14 right-of-way of Fox Road to a point where said right-of-way intersects with the south line
15 of Land Lot 196, aforesaid District and Section; thence leaving said right-of-way running
16 east along the south line of Land Lots 196 and 232, aforesaid District and Section to a point
17 at the intersection of said land lot line and the southeast corner of that certain Windward
18 / Southpointe Development as set forth on that certain plat entitled Final Plat for Windward
19 Properties, Inc. Being Pod 39, Blocks I, J & K, Windward / Southpointe, by Rochester
20 Associates, Inc., recorded at Plat Book 159, page 130, Official Deed Records of Fulton
21 County, Georgia; thence leaving said south land lot line running north along the east
22 property line of said Windward / Southpointe Development to a point where said east
23 property line intersects with the north line of Land Lot 232, aforesaid District and Section;
24 thence running east along the north lines of Land Lots 232 and 233, aforesaid District and
25 Section to the point at the intersection of said land lot line of Land Lot 233 and the
26 northwest right-of-way of Jones Bridge Road; thence leaving said land lot line running
27 northeast along said northwest right-of-way of Jones Bridge Road to the point where said
28 right-of-way intersects the east line of Land Lot 1256, 2nd District, 1st Section, Fulton
29 County, Georgia; running thence north along the east line of Land Lots 1256, 1231, 1190
30 and 1165, aforesaid District and Section, to the northerly point of Laurel Cove Subdivision
31 – Unit II on said east line of said Land Lot 1165 as set forth on that certain plat entitled
32 Final Plat Laurel Cove – Unit II, Douglas Road (Formerly Known as Huntington Trace
33 Subdivision – Unrecorded), by Patterson & Smith, Inc., dated October 2, 2001, last revised
34 August 7, 2002, recorded at Plat Book 231, page 88, Official Deed Records of Fulton
35 County, Georgia; thence leaving said land lot line running northwesterly along the
36 northeasterly property line of said Unit II of said subdivision, following the courses and

1 distances thereof, to the point where said property line intersects the easterly property line
2 of Laurel Cove Subdivision, Unit I, as set forth on that certain plat entitled Final Plat
3 Laurel Cove / Douglas Road, dated May 3, 2001, recorded at Plat Book 238, page 74,
4 Official Deed Records of Fulton County, Georgia, thence continuing northerly, following
5 the courses and distances of Unit I thereof, to the point at which said easterly property line
6 of said Laurel Cove Subdivision, Unit I, intersects with the north land lot line of Land Lot
7 1165, aforesaid District and Section; thence running east along the north line of Land Lot
8 1165, aforesaid District and Section, to a point located at the intersection of Land Lots
9 1124, 1125, 1164 and 1165, aforesaid District and Section; thence leaving said land lot line
10 running northwest, southwest and northwest along the easterly property line of the Calumet
11 Subdivision as set forth on that certain plat entitled Final Plat of Calumet, by Watts &
12 Browning Engineers, dated January 16, 1991, revised January 23, 1991, recorded at Plat
13 Book 171, page 14, Official Deed Records of Fulton County, Georgia, to the point where
14 said easterly property line intersects the southerly right-of-way of Old McGinnis Ferry
15 Road; thence running westerly along the right-of-way of said Old McGinnis Ferry Road
16 to the westerly point of said Calumet Subdivision adjacent to said right-of-way; thence
17 leaving said right-of-way running southerly and easterly along the north property line of
18 said Calumet Subdivision to the point where said north property line intersect the southeast
19 corner of that certain parcel of land (Fulton County tax id# 21572011240102, according
20 to the parcel numbering system existing on January 1, 2006) described in that certain
21 Warranty Deed, dated April, 1982, recorded in Deed Book 8114, page 202 Official Deed
22 Records of Fulton County, Georgia; thence leaving said north property line of Calumet
23 Subdivision running north along the east property line of said parcel of land (Fulton County
24 tax id# 21572011240102) following the course thereof to a point on the line dividing
25 Fulton County, Georgia and Forsyth County, Georgia; running thence southeasterly along
26 said Fulton-Forsyth County line to the point where said line intersects the westerly county
27 line of Gwinnett County and the Chattahoochee River, said point being the point of
28 beginning. All references and points set out herein are as of January 1, 2006 unless
29 otherwise stated.

APPENDIX B

If approved by the voters as described in Section 7.14 of this charter, the corporate limits of the City of Johns Creek shall include the following described territory of Fulton County except that the corporate limits of the City of Johns Creek shall not include any part of the following described territory which has been validly annexed to another city by an annexation completed before this Act is approved by the Governor or becomes law without such approval:

Commencing at the point where the line dividing Fulton County, Georgia and Gwinnett County, Georgia, as they existed on January 1, 2006, intersects the dividing line between Fulton County Voting Precincts NC11A and NC06, as they existed on January 1, 2006; thence leaving said Fulton-Gwinnett County line, running northwesterly along said dividing line between voting precincts to its intersection with Barnwell Road; thence following Barnwell Road northeasterly to the point where said right-of-way intersects with Jones Bridge Road; thence following Jones Bridge Road northerly to the point where said right-of-way intersects with Old Alabama Road; thence following the right-of-way of Old Alabama Road west to the point where said right-of-way intersects with the right-of-way of Brumbelow Road; thence following the right-of-way of Brumbelow Road south to the point where said right-of-way intersects with the south land lot line of Land Lot 924, 1st District, 2nd Section, Fulton County, Georgia, said point also being the southeastern corner of that certain parcel of land (Fulton County tax id# 12318008950488, according to the parcel numbering system existing on January 1, 2006) described in that certain Quit Claim Deed, dated May 5, 1997, recorded in Deed Book 22692, page 012, Official Deed Records of Fulton County, Georgia, said point further representing the southeasterly corner of Newtown Park; thence leaving said right-of-way running west along the south line of Land Lots 924 and 895, aforesaid District and Section, to a point at the intersection of Land Lots 894, 895, 869 and 870, aforesaid District and Section, said point also being the southwest corner of Newtown Park; thence running north along the west land lot line of Land Lot 895 to a point to its northernmost point adjacent to the eastern boundary of the Chartwell Subdivision, as set out on that certain plat entitled Final Subdivision Plat of Chartwell, Unit 1, Phase 1, by Travis Pruitt & Associates, Inc., recorded at Plat Book 188, page 49, Official Deed Records of Fulton County, Georgia; thence leaving said land lot line following the eastern boundary of the Chartwell Subdivision northwest to Old Alabama Road; thence running along the right-of-way of Old Alabama Road to its intersection with the northeast corner of the Old Alabama Square Shopping Center as set out on that certain plat entitled Old Alabama Square, Exemption Plat, by Post, Buckley, Schuh & Jernigan, Inc., recorded

1 at Plat Book 220, page 124, Official Deed Records of Fulton County, Georgia; thence
2 leaving said right-of-way running south and southwest along the east line of said shopping
3 center parcel (said line also being set out on the aforementioned plat of Chartwell
4 Subdivision) to a point at the southeast corner of said shopping center parcel; thence
5 running west along the south line of said shopping center parcel to a point at the centerline
6 of a creek, the same being located at the southwest corner of said shopping center parcel,
7 said point also being located on the east property line of that certain parcel of land (Fulton
8 County tax id# 12304008391576, according to the parcel numbering system existing on
9 January 1, 2006) said parcel being described in that certain General Warranty Deed, dated
10 June 24, 1999, recorded in Deed Book 27358, page 340, Official Deed Records of Fulton
11 County, Georgia; thence running southerly following the meanderings of said creek along
12 the east line of said parcel of land (Fulton County tax id# 12304008391576) to its
13 intersection with the south land lot line of Land Lot 840, aforesaid District and Section;
14 thence leaving the centerline of said creek running west along the south line of land lots
15 840 and 817 to its intersection with the easterly boundary of City of Roswell, Georgia, as
16 it existed on January 1, 2006, at the right-of-way of Nesbit Ferry Road; thence running
17 south along Nesbit Ferry Road, and said eastern boundary of the City of Roswell, Georgia,
18 to a point in Land Lot 832, aforesaid District and Section, where said eastern boundary of
19 the City of Roswell, Georgia leaves the right-of-way of Nesbit Ferry Road; thence
20 continuing south along the right-of-way of Nesbit Ferry Road to the point where said
21 eastern boundary of the City of Roswell, Georgia re-intersects said right-of-way; thence
22 continuing south along said right-of-way of Nesbit Ferry Road and the eastern boundary
23 of the City of Roswell, Georgia to the intersection of Nesbit Ferry Road and Holcomb
24 Bridge Road; thence continuing south along the eastern boundary of the City of Roswell,
25 Georgia, along the right-of-way of Holcomb Bridge Road, to its intersection with the
26 right-of-way of Barnwell Road; thence leaving the right-of-way of Holcomb Bridge Road
27 and said east boundary of the City of Roswell, Georgia, running northeast along the
28 right-of-way of Barnwell Road to its most northerly point of intersection with that certain
29 parcel of land (Fulton County tax id# 12323008840127, according to the parcel numbering
30 system existing on January 1, 2006) described in that certain Warranty Deed, dated July 26,
31 1984, recorded in Deed Book 9245, page 10, Official Deed Records of Fulton County,
32 Georgia; thence leaving said right-of-way running east along the northerly property line of
33 said parcel of land (Fulton County tax id# 12323008840127) to the northeast corner of said
34 parcel of land, the same lying on said Fulton-Gwinnett County line; thence running
35 northeasterly along said Fulton-Gwinnett County line, following the meanderings of the
36 Chattahoochee River to a point where said Fulton-Gwinnett County line intersects the

1 dividing line between Fulton County Voting Precincts NC11A and NC06, said point being
2 the point of beginning. All references and points set out herein are as of January 1, 2006
3 unless otherwise stated.

1

APPENDIX C

2

CERTIFICATE AS TO MINIMUM STANDARDS

3

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

4

I, Representative Mark Burkhalter, Georgia State Representative from the 50th District and
the author of this bill introduced at the 2006 Session of the General Assembly of Georgia,
which grants an original municipal charter to the City of Johns Creek do hereby certify that
this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of
the O.C.G.A. This certificate is executed to conform to the requirements of Code Section
36-31-5 of the O.C.G.A.

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10 So certified, this _____ day of _____, 20__.

11

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13

Representative, 50th District
Georgia House of Representatives